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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,250	08/22/2003	J. Terry Riebling	JTRZ 2 00004	9415

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EXAMINER

CHAMBERS, TROY

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,250

Applicant(s)

RIEBLING, J. TERRY

Examiner

Troy Chambers

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-17 is/are rejected.
- 7) ☐ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 18-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 09/17/04.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 10, 11, 12, 13, 14 and 16 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 20010035416A1 issued to Dodson. Dodson discloses a gun cleaning kit.
3. With respect to claim 1, Dodson discloses a gun cleaning kit 10 comprising a housing 12, chambers 14, 16; and lids 24, 26. The lids form a watertight seal [0020].
4. With respect to claim 2, Dodson discloses a kit 10 for containing wet wipe patches.
5. With respect to claim 6, Dodson discloses moist wet wipes [0005].

6. With respect to claim 10, Dodson discloses a hinged lid (Fig. 1).
7. With respect to claim 11, Dodson discloses a gun cleaning kit comprising a housing 12; chambers 14, 16 and a partition 18 impervious to water.
8. With respect to claim 12, Dodson discloses a lid forming a watertight seal [0020].
9. With respect to claim 13, refer to [0022], last sentence. A tight fit means that the two components are engaged with each other. A microphone designed to "hear" even the faintest sounds would pick up this engagement.
10. With respect to claim 14, the first chamber 14 is adapted to store a plurality of patches.
11. With respect to claim 16, refer to the rejection of claim 6.
12. Claims 11 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. 5062557 issued to Mahvi et al. (hereinafter "Mahvi"). Mahvi discloses a gun cleaning kit comprising a housing 10 defining a first chamber 38 and a second chamber 40; a lid 32 attached to the housing and adapted to selectively close the first chamber 38; an internal wall 42 made of plastic (col. 2, ll. 33-36) and therefor impervious to water, sand (etc.); and, straps 18, 20, 22 capable of being attached to a hunter's belt.

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson in view of U.S. 6595386 issued to Vogel et al. Dodson discloses a gun cleaning kit for containing wet wipes as discussed above. Dodson does not disclose the various patch configurations of claims 3 and 4. However, such configurations are well known in the art as evidenced by Vogel, col. 1, ll. 14-24. At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the wet wipe gun cleaning kit of Dodson with the convention wipe configurations disclosed by Vogel. The suggestion/motivation for doing so would have been to provide one-at-a-time dispensing using a single hand.

15. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson in view of U.S. 6797400 issued to Weuthen. Dodson discloses a gun cleaning kit for containing wet wipes as discussed above. Dodson does not disclose wet wipes (patches) impregnated with gun oil. Weuthen discloses wet wipes impregnated with mineral oil (col. 1, ll. 10-21) ("gun oil", without more, could be interpreted as being any type of oil). At the time of the invention, one of ordinary skill in the art would have found it obvious to provide the kit of Dodson with the oil-impregnated wipes of Weuthen. The suggestion/motivation for doing so would have been to provide a wet wipe (patch) with the ability to clean heavily soiled articles.

***Allowable Subject Matter***

16. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

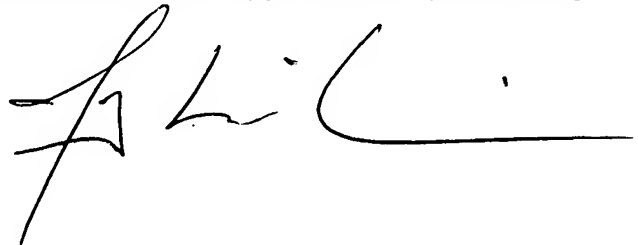
***Conclusion***

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited on form PTO-892 are cited as of interest to show similar gun cleaning kits.

18. During the Examiners search outside class 42 subclass 95 there were found many examples of containers with a plurality of chambers and lids. Each chamber either contained or was capable of containing wet wipes for cleaning purposes.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Troy Chambers whose telephone number is (703) 308-5870. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael J. Carone, can be reached at (703) 306-4198.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

A handwritten signature in black ink, appearing to be 'F. L. C.', with a long horizontal line extending to the right.